

AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 443

Introduced by Senator Pavley

February 26, 2009

An act relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Pavley. Supermarkets: cleaning products: ~~risk assessment~~. *reviews*.

Existing law regulates environmental health issues, including food, drugs, occupational safety, and consumer products.

This bill would require the Office of Environmental Health Hazard Assessment (OEHHA) to conduct ~~screening-level risk assessments~~ *reviews*, as defined, that evaluate the potential harm to the public, supermarket employees, custodial staff, and the environment from cleaning products that are used to clean supermarkets. *This bill would prohibit the reviews from duplicating or overlapping or conflicting with existing statutory and regulatory requirements and programs.* This bill would require, when ~~an assessment~~ *a review* is being performed, a supermarket and a manufacturer of a cleaning product to provide specified information regarding cleaning products to the OEHHA upon request. The bill would require the OEHHA to compile a report, by December 31, 2011, of the results of the ~~assessments~~ *reviews and post the report on its Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The potential health and safety hazards related to the use of corrosive and hazardous chemicals currently used for purposes of cleaning a supermarket, where both packaged and open food products and fresh produce are stored and displayed, is an urgent concern that needs to be evaluated and understood as soon as possible so that the state may take action to prevent public hazards in a timely manner.

(b) Some of the chemicals commonly used in supermarket cleaning products are known to cause serious human health problems. For example, 2-Butoxyethanol, a carcinogen that causes reproductive damage and liver and kidney damage, and can break down red blood cells, is an active ingredient in some supermarket cleaning products.

(c) The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA), conducts health screening assessments of chemicals that could be of concern, and is already conducting studies to evaluate chemical emissions in some products used by the state at the request of the Department of General Services.

(d) Given OEHHA's overall mission to protect and enhance public health and the environment by scientific evaluation of risks posed by hazardous substances, these evaluations are within OEHHA's mandates.

(e) The Legislature has declared in Section 113705 of the Health and Safety Code, "[t]hat the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that the food will be pure, safe, and unadulterated."

SEC. 2. (a) For purposes of this section, the following definitions shall apply:

(1) "Office" means the Office of Environmental Health Hazard Assessment.

~~(2) "Screening-level risk assessment" or "assessment" means~~

(2) "*Review*" means an indepth analysis of a substance to determine whether the substance is toxic or capable of becoming toxic. ~~An assessment~~ A review shall include an evaluation of any

1 known environmental concentrations of a substance, as well as
2 predictions of environmental concentrations of the substance from
3 releases resulting from its production, processing, uses, and
4 disposal, and its environmental fate evaluated on the basis of
5 intrinsic physical and chemical properties, environmental mobility,
6 and persistence.

7 (3) "Supermarket" has the same meaning as defined in Section
8 14526.5 of the Public Resources Code.

9 (b) (1) *The reviews conducted pursuant to subdivision (c) shall*
10 *not duplicate or overlap or conflict with existing statutory and*
11 *regulatory requirements and programs.*

12 (2) *In accordance with paragraph (1), the office shall consult*
13 *with the Department of Pesticide Regulation, the State Air*
14 *Resources Board, Department of Toxic Substances Control,*
15 *Department of General Services, Department of Industrial*
16 *Relations, and other state or federal agencies with statutory and*
17 *regulatory authority over chemicals and chemical products.*

18 ~~(b)~~

19 (c) During the 2010 calendar year, the office shall conduct
20 ~~screening-level risk assessments~~ *reviews* that will evaluate the
21 potential harm to the public, supermarket employees, custodial
22 workers, and the environment that may be in contact with a
23 chemical or chemical product used for purposes of cleaning a
24 supermarket. In particular, ~~the assessments~~ *reviews* shall evaluate
25 the effects of the chemicals or chemical products on food safety
26 for consumers and air toxicity levels.

27 ~~(e)~~

28 (d) For purposes of assisting the office to conduct ~~the assessment~~
29 *reviews* required by subdivision ~~(b)~~ (c), and upon the request of
30 the office:

31 (1) A supermarket shall provide the office with a list of cleaning
32 products used at the supermarket.

33 (2) A manufacturer of a cleaning product shall provide the office
34 with information regarding the formulation of the cleaning product
35 and any other information required to conduct ~~the assessment a~~
36 *review*. The office shall treat all information provided by a
37 manufacturer as confidential and the information shall be exempt
38 from disclosure under the California Public Records Act (Chapter
39 3.5 (commencing with Section 6250) of Division 7 of Title 4) ~~1~~
40 ~~of the Government Code Code~~.

1 ~~(d)~~
2 (e) The results of each ~~assessment~~ *review* required by
3 subdivision ~~(b)~~ (c), shall be published in a report that the office
4 shall make publicly available and provide to a supermarket whose
5 cleaning products have been evaluated. The office shall complete
6 a draft of the report on or before July 1, 2011, and submit the draft
7 report to the Environmental Policy Council for review and
8 comment. The office shall also make the draft report available on
9 its Internet Web site for purposes of public comment. The office
10 shall issue, *and post on its Internet Web site*, the final report on or
11 before December 31, 2011. The report shall do both of the
12 following:
13 (1) Include recommendations regarding methods to mitigate
14 ~~any~~ potential hazards posed by chemicals and chemical products,
15 and possible alternative products for use by a supermarket that
16 will maintain public health standards for sanitation and also protect
17 consumers, supermarket employees, custodial workers, and the
18 environment for ~~any~~ toxic or hazardous exposures.
19 (2) Identify data gaps on ingredients and formulations of
20 supermarket cleaning products.